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EXAMINER

SHANNON, MICHAEL R

ART UNIT

PAPER NUMBER

2614

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/763,789

Applicant(s)

VIRAG ET AL.

Examiner

Michael R. Shannon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see pages 6-10, filed August 8, 2005, with respect to the rejection(s) of claim(s) 2-11 under 35 USC 102(b) and 12-13 under 35 USC 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Wugofski (USPN 6,003,041), Case Law in re Venner, and Broberg (USPN 6,529,680), as discussed more thoroughly below.
2. The argument filed with respect to claim 1 are not persuasive, however, for the following reasons. The argument states, "the system in Wugofski requires that the device data base as shown in FIG. 5 to be pre-established by a user. The system does not command a peripheral device to send an analog signal, and use that analog signal to determine which one of the analog inputs of the video processing device is connected to the analog output of the peripheral device as recited in step (c)...rather, the port number must be entered by the user". First of all, the Wugofski reference does command a peripheral device to send an analog signal, as was discussed in the previous Office Action. The commanding step is met by the main unit 151 requesting to tune to a channel on a device 120 attached to the system via one of the inputs V1-V4 [col. 6, lines 54-56]. The commands (control functions) are sent over an IEEE-1394 wired interface [col. 3, lines 25-28]. The Examiner agrees that this is what the Wugofski reference discloses. However, the Examiner disagrees with the Applicant based on the fact that an automatic determination of the analog input port is not claimed. The claim

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can easily be interpreted to read on the fact that the user can determine the analog input port based on the correctly perceived analog signal from the peripheral device and therefore, enter the port number for storing it in the video processing apparatus. Claim 1 does not require the determination step to be done automatically, and therefore, the Wugofski reference still reads on the claim.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 2, 7, 8, and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Wugofski (USP 6,003,041), previously cited by examiner.

Regarding claim 1, the claimed "method for controlling a video processing apparatus" is met as follows:

- The claimed step of "commanding a peripheral device, connected to said video processing apparatus, to transmit an analog signal from an analog output of said peripheral device" is met by the main unit 151 request to tune to a channel on a device 120 attached to the system via one of the

inputs V1-V4 [col. 6, lines 54-56]. The commands (control functions) are sent over an IEEE-1394 wired interface [col. 3, lines 25-28].

- The claimed step of “receiving said analog signal from said peripheral device on one of a plurality of analog inputs of said video processing apparatus” is met by the ability to receive the valid signal at one of inputs V1-V4 [Figure 1 & col. 6, lines 50-65]].
- The claimed step of “determining which one of said plurality of analog inputs said analog signal is received” is met by the indication of the port number for the input signal [col. 6, line 26]. The port numbers are provided by the user and are used as configuration data, as discussed in the Response to Arguments section above.
- The claimed step of “storing data, in said video processing apparatus, associated with said analog input which has received said analog signal” is met by the ability to build a new record of a valid signal in the channel map database [col. 6, lines 61-62]. The record is also added to the device database 350 after the determination step [col. 6, lines 30-32].

Regarding claim 2, the claimed “method of Claim 1 wherein the step of commanding comprises sending a message via a digital bus interconnecting said video processing apparatus and said peripheral device, said message controlling said peripheral device to transmit a signal from said analog output” is met by control function for the connected devices being achieved through an IEEE-1394 standard digital bus [col. 3, lines 25-28].

Regarding claim 7, the claimed "video processing apparatus is a digital television" is met by the computer system output device being a HDTV [col. 3, lines 29-38].

Regarding claim 8, the claimed "video processing apparatus is a digital set-top box" is met by the computer system being a set-top box [col. 3, lines 29-38].

Regarding claim 9, the claimed "digital bus is an IEEE 1394 serial data bus" is met by the IEEE 1394 bus for transmitting control information [col. 3, lines 25-28].

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3-6, and 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wugofski (USPN 6,003,041), previously cited by Examiner, in view of Broberg (USPN 6,529,680), previously cited by Examiner.

Regarding claim 3, the Wugofski reference, in its most broad interpretation, does disclose the determination step of claim 1, as discussed above. However, the details of the determination step as claimed in claim 3 are not specifically met by Wugofski, even though he does disclose the step of manually entering the analog input port number for the purpose of configuring the analog device interconnectivity map. The Broberg reference teaches scanning through all possible channels and devices searching for

"appropriate video signals". Once an "appropriate video signal" is detected, the channel and device are added to the channel map decision list 60 [col. 5, lines 54-64]. It can be understood that the Broberg reference meets the claimed "repetitively selecting each one of said analog inputs of said video processing apparatus to determine which one of said analog inputs receives said transmitted signal". It would have been obvious to one of ordinary skill in the art to use the channel map decision list compilation technique, in order to detect "appropriate video signals" on the input, and record the device as being accessible and part of the channel map decision list. Furthermore, the Wugofski reference discloses the claimed invention except for the automation of the determination step. It would have been obvious to one having ordinary skill in the art at the time of the invention to automate the determination of valid video signals coming into the input ports, since it has been held that broadly providing a mechanical or automatic means to replace manual activity which has accomplished the same result involves only routing skill in the art. *In re Venner*, 120 USPQ 192.

Regarding claim 4, the Wugofski reference, in its most broad interpretation, does disclose the determination step of claim 1, as discussed above. However, the details of the determination step as claimed in claim 3 are not specifically met by Wugofski, even though he does disclose the step of manually entering the analog input port number for the purpose of configuring the analog device interconnectivity map. Furthermore, the fact that, "more than one peripheral device is connected to said video processing apparatus and the steps of commanding, receiving, and storing are repeated until each one of said peripheral devices have been processed", as claimed in claim 4, is not fully

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disclosed in Wugofski. While Wugofski does disclose that there are multiple devices connected to analog inputs V1-V4 and each device is commanded from the main unit 151, via network 155 and a signal is received via multiplexer 130 for setting up the device database 350 and the channel map database 370, he does not teach that the process is automated. As is discussed above in claim 3, the Broberg reference teaches scanning through all possible channels and devices searching for "appropriate video signals". Once an "appropriate video signal" is detected, the channel and device are added to the channel map decision list 60 [col. 5, lines 54-64]. The Broberg reference clearly steps through multiple devices connected to the network (cable STB, satellite receiver, etc.). It would have been obvious to one of ordinary skill in the art to use the channel map decision list compilation technique, in order to detect "appropriate video signals" on the input, and record a plurality of connected devices as being accessible and part of the channel map decision list. Furthermore, the Wugofski reference discloses the claimed invention except for the automation of the determination step. It would have been obvious to one having ordinary skill in the art at the time of the invention to automate the determination of valid video signals coming into the input ports, since it has been held that broadly providing a mechanical or automatic means to replace manual activity which has accomplished the same result involves only routine skill in the art. *In re Venner*, 120 USPQ 192.

Regarding claim 5, the claimed "method of claim 4 further comprising the step of constructing a map of the analog interconnectivity between each peripheral device and

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said video processing device” is met by device database 350, which serves as a map of AV equipment interconnections.

Regarding claim 6, in compliance with the Applicant’s arguments presented, the Examiner agrees that the Wugofski reference does not use an “analog video blanking signal” to determine the correct analog input. As stated previously, the Examiner contends that the manual determination still meets the determination step of independent claim 1. The Broberg reference teaches the use of an “appropriate video signal” for determining whether or not to add devices and channels to the channel map decision list 60 [col. 5, lines 54-64]. The appropriate video signal clearly reads on the analog video blanking signal. If the Applicant intends to claim that which is actually taught by the specification, namely, the “pre-determined video test signal” (page 12, lines 25-26), the Examiner may be forced to reconsider this grounds of rejection, but until then, the “video blanking signal” is clearly rejected as being equivalent to the “appropriate video signal”. Just as before, the Examiner submits that it would have been obvious to one of ordinary skill in the art to use the channel map decision list compilation technique, in order to detect “appropriate video signals” on the input, and record a plurality of connected devices as being accessible and part of the channel map decision list.

Regarding claim 10, see the above rejections for claims 1-5.

Regarding claim 11, the claimed “digital bus is an IEEE 1394 serial data bus” is met by the IEEE 1394 bus for transmitting control information [col. 3, lines 25-28].

Regarding claim 12, the claimed "method for configuring a video processing apparatus having an analog input and interconnected via a digital bus to at least first and second peripheral devices" is met as follows:

- The claimed step of "sending a first command, via said digital bus, to said first peripheral device to switch said first peripheral device into pass-through operating mode" is not specifically taught by Wugofski. Wugofski teaches sending a control signal over a digital bus to a peripheral device, however, does not teach the control signal putting the device into pass-through mode. The Examiner takes Official Notice that it is notoriously well known in the art to place devices in pass-through mode for passing a signal from one source through another source (for example, sending a STB signal through a VCR for recording purposes, or sending a VCR signal through a STB/tuner for modulation onto channel 3 or 4).

Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time of the invention to include a step for placing a device in pass-through mode, in order to allow the device to pass a signal through another device and onto the analog input of the receiving/commanding device.

- The claimed step of "sending a second command, via said digital bus, to said second peripheral device to transmit an analog signal from an analog output of said second peripheral device" is met by the request for a

channel to be received in order to detect a new valid signal [col. 6, lines 50-65].

- The claimed step of “receiving said analog signal from said second peripheral device on one of said analog inputs of said video processing apparatus” is met by the reception of a valid new channel on the input multiplexer [col. 6, lines 50-65].
- The claimed step of “monitoring each of said analog inputs to determine which one of said analog inputs receives said analog signal” is not specifically met by Wugofski, even though he does disclose the step of manually entering the analog input port number for the purpose of configuring the analog device interconnectivity map. The Broberg reference teaches scanning through all possible channels and devices searching for “appropriate video signals”. Once an “appropriate video signal” is detected, the channel and device are added to the channel map decision list 60 [col. 5, lines 54-64]. It would have been obvious to one of ordinary skill in the art to use the channel map decision list compilation technique, in order to detect “appropriate video signals” on the input, and record the device as being accessible and part of the channel map decision list. Furthermore, the Wugofski reference discloses the claimed invention except for the automation of the determination step. It would have been obvious to one having ordinary skill in the art at the time of the invention to automate the determination of valid video signals coming into

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the input ports, since it has been held that broadly providing a mechanical or automatic means to replace manual activity which has accomplished the same result involves only routing skill in the art. *In re Venner*, 120 USPQ 192.

Regarding claim 13, the claimed "digital bus is an IEEE 1394 serial data bus" is met by the IEEE 1394 bus 155 for transmitting control information from the main unit 151 to the devices 110 [col. 3, lines 25-28].

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael R. Shannon who can be reached at (571) 272-7356 or Michael.Shannon@uspto.gov. The examiner can normally be reached by phone Monday through Friday 8:00 AM – 5:00PM, with alternate Friday's off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller, can be reached at (571) 272-7353.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to customer service whose telephone number is **(571) 272-2600**.

Michael R Shannon
Examiner
Art Unit 2614

Michael R Shannon
October 21, 2005


JOHN MILLER
SUPERVISORY PATENT EXAMINER
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